

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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DATE FILED: 3/5/2020

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FRITZ T. JARVOIS,

Plaintiff,

-against-

CAROLE FERRARA and THOMAS
LIBRETTI,

Defendants.

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GREGORY H. WOODS, United States District Judge:

1:18-cv-3997-GHW

ORDER

On August 19, 2019, the Court issued a memorandum opinion and order dismissing some of Plaintiff's claims with prejudice and others without prejudice. Dkt No. 35. In that order, the Court granted Plaintiff leave to amend his complaint to replead the claims it had dismissed without prejudice within thirty days. On September 21, 2019, the Court noted that Plaintiff had not amended his complaint and entered a final judgment for Defendants. Dkt No. 37. On October 21, 2019, the Court issued an order vacating that judgment because Plaintiff did not receive a copy of the Court's August 19, 2019 memorandum opinion and order until after the case was closed. Dkt No. 42. In its October 21, 2019 order, the Court again granted Plaintiff leave to amend his complaint within thirty days of its order. On October 30, 2019, Plaintiff submitted a letter expressing confusion as to why the *pro se* office was instructing him to submit documents that he had already submitted. Dkt No. 43.

The Court does not know whether Plaintiff intended his latest submission to serve as an amended complaint. It is not styled as a complaint, but it contains allegations that suggest that Plaintiff may have intended for it to serve as such. Because Plaintiff is proceeding *pro se* and was apparently confused by the Court's prior orders, he is again granted leave to file an amended

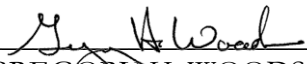
complaint repleading those claims that were dismissed in the Court's August 19, 2019 memorandum opinion and order no later than 21 days from the date of this order. If Plaintiff chooses not to file any further submissions, the Court will construe his latest submission at Dkt No. 43 as his amended complaint.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

The Clerk of Court is directed to mail a copy of this order and Dkt Nos. 35, 37, 42, and 43 to Plaintiff by first-class and certified mail.

SO ORDERED.

Dated: March 5, 2020
New York, New York



GREGORY H. WOODS
United States District Judge